

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH DAKOTA

ROOM 211

FEDERAL BUILDING AND U.S. POST OFFICE

225 SOUTH PIERRE STREET

PIERRE, SOUTH DAKOTA 57501-2463

IRVIN N. HOYT

BANKRUPTCY JUDGE

TELEPHONE (605) 224-0560

FAX (605) 224-9020

VIA FACSIMILE TRANSFER

October 12, 2005

Terry J. Sutton, Esq.  
Counsel for Debtor  
Post Office Box 1053  
Watertown, South Dakota 57201-6053

Forrest C. Allred,  
Chapter 7 Trustee  
14 Second Avenue Southeast, Suite B  
Aberdeen, South Dakota 57401

Subject: *In re Bradley D. Thomas,*  
Chapter 7, Bankr. No. 05-10148

Dear Trustee and Counsel:

On September 15, 2005, Trustee Forrest C. Allred filed a motion seeking an order requiring Debtor to turn over property in excess of declared exemptions and also some property that had not been declared exempt at all. On September 26, 2005, Debtor filed a response in which he argued the Trustee's motion was not timely filed as an objection to exemptions.

Trustee Allred is allowing Debtor his full exemptions as declared on Schedule C. Thus, an objection to exemptions was not necessary. See *Soost v. NAH, Inc. (In re Soost)*, 262 B.R. 68 (B.A.P. 8th Cir. 2001), *In re James J. and Sarah M. Stokke*, Bankr. No. 05-40158, slip op. (Bankr. D.S.D. Aug. 24, 2005), and *In re Joel A. Humpal*, Bankr. No. 05-40048, slip op. (Bankr. D.S.D. Aug. 11, 2005). The objection deadline imposed by Fed.R.Bankr.P. 4003(b) is not applicable. Instead, Trustee Allred is proceeding under 11 U.S.C. § 542(a), which has no specific filing deadline. Accordingly, his turnover request was timely.

I did not find in Debtor's response any other grounds for objecting to the Trustee's motion. Accordingly, Trustee Allred may submit an appropriate order.

Sincerely,



Irvin N. Hoyt  
Bankruptcy Judge

INH:sh

CC: case file (docket original; serve parties in interest)